

00001

1

2

3

4

5

6

SEWARD PENINSULA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL

7

8

9

Work Session/Informational Meeting

10

11

Kattimivak Center

12

13

Unalakleet, Alaska

14

15

February 24, 1998, 11:00 a.m.

16

17

18

19 Members Present:

20

21 Theodore Katcheak, Vice-Chair

22 Grace Cross, Secretary

23 Perry Mendenhall

00002

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

COURT REPORTER: On record. My name is Barbara Caraway, Notary Public in and for the State of Alaska and reporter for Computer Matrix in Anchorage, Alaska. This is the first tape of the meeting we're having at the Kattimivak Center in Unalakleet, Alaska. The time is 11:00 o'clock, the date is the 24th day of February and you can open the meeting now. p.m.

On record.

VICE CHAIR KATCHEAK: I'm calling the meeting to order. And my name is Ted Katcheak, I'm Vice-Chair for the Seward Peninsula Subsistence Regional Council, Advisory Council, and at this time I'd like to ask Mr. Perry Mendenhall to give us the invocation.

MR. MENDENHALL: Let's all rise.

(Invocation)

VICE CHAIR KATCHEAK: Thank you, Mr. Mendenhall. At this time, roll call, please.

MS. CROSS: Sheldon Katchatag, absent. Grace Cross is here. Theodore Katcheak.

VICE CHAIR KATCHEAK: Here.

MS. CROSS: Fred Katchatag, Sr., is not here. Elmer Seetot, Jr., is not here. Peter G. Buck is not here. Joe Garnie is not here. Perry Mendenhall.

MR. MENDENHALL: Here.

MS. CROSS: Johnson Eningowuk is not here and we do not have a quorum.

VICE CHAIR KATCHEAK: For the information of the public and also the Council members, this will be an informational meeting. Before we go on, I'd like to have our staff and guests introduce themselves for the record. Taylor, will you start for me?

MR. BRELSFORD: Hi, I'm Taylor Brelsford and I work for the Federal Subsistence Board Staff in Anchorage.

MS. DETWILER: I'm Sue Detwiler, I work with Taylor in Anchorage.

MR. RABINOWITCH: I'm Sandy Rabinowitch from the

00003

1 National Park Service. Work for the Federal Subsistence Board.
2

3 MR. ADKISSON: Ken Adkisson with the National Park
4 Service and Bering Land Bridge National Preserve and
5 Subsistence Program. Fred Taktoo is also here but he had to
6 step out for a short time.
7

8 MR. DENTON: Jeff Denton with the Anchorage District
9 Bureau of Land Management.
10

11 MR. BENTE: And I'm Peter Bente, Game Biologist with
12 the Department of Fish and Game in Nome.
13

14 VICE CHAIR KATCHEAK: And I guess, Mr. Ivanoff.
15

16 MR. G. IVANOFF: Oh, Gerry Ivanoff, Unalakleet
17 resident.
18

19 VICE CHAIR KATCHEAK: Thank you. At this time I will
20 turn the floor over to Taylor.
21

22 MR. BRELSFORD: Thank you, Mr. Chairman. I think in a
23 sense what we will do is continue down the agenda to the
24 informational items and just kind of follow this sequence, but
25 leave out any of the ones that would require decisions on the
26 part of the Council. And I think what I would suggest, with
27 your approval, is that we begin with Item number 9, Agency
28 Reports. Well, actually I guess it's Item 14, Report from the
29 Cooperative Musk-Ox Meeting in Nome. We have several people
30 who were active in the Musk-Ox Cooperators Meeting and I think
31 this is perhaps one of the most important resource planning
32 efforts underway in the Bering Straits/Seward Peninsula area
33 right now. So if you're agreeable, I think we probably ought
34 to go ahead and start with the information from the Musk-Ox
35 Cooperators Meeting.
36

37 VICE CHAIR KATCHEAK: Thank you.
38

39 MR. ADKISSON: My name is Ken Adkisson. Over here on
40 my right is Sandy Rabinowitch and on my left Peter Bente, and
41 we'll be doing a joint presentation on the Cooperative Musk-
42 Oxen management planning efforts. Sandy has already referred
43 you to Tab V I believe it is in your manual. And all I could
44 say to that is what you see in your manual that you have before
45 you is really an older preliminary version of some notes and
46 things that came out of the meeting. The meeting in itself ran
47 about three days.
48

49 What I would recommend that you do is basically ignore
50 what's in your manual and go to the hand-out material that I

00004

1 just provided you. There is a good deal of similarity in the
2 two sets of information, however what I handed out is what we
3 now are officially faxing out to all the area villages. This
4 is basically our key working document at this time. So I refer
5 you to that rather than the material that's there at Tab V.

6
7 The cooperative planning effort took three days in late
8 January in Nome. A number of area villages were represented.
9 We tried to bring in at least the key villages involved in the
10 Federal hunt, and as many others as we could, plus involve
11 other potential users or interest groups, the non-consumptive
12 users, the recreational folks, the tourism industry, as well as
13 the other consumptive users such as sports hunters and so
14 forth. We did that with rather mixed success, but we did have
15 some representation there at the meeting.

16
17 As far as the villages go, Buckland and Deering were
18 represented, Shishmaref was represented by two individuals,
19 Wales and Brevig Mission were represented. Unfortunately, we
20 didn't have a representative from Teller and then we also had
21 representatives from White Mountain and Golovin and perhaps one
22 or two other Seward Peninsula villages. Overall the Eastern
23 Norton Sound was less well represented than the northern part
24 of the Peninsula.

25
26 The meeting basically consisted of presentations by
27 staff, summarizing the past Federal hunt, talking about aspects
28 of the hunt, how successful villages had been in filling their
29 permits and possible problems associated with the Federal hunt,
30 such as weather and travel, that reduced the effectiveness of
31 the hunt in a way perhaps created obstacles for the Federally
32 eligible users to harvest the musk-oxen. There were also
33 presentations on musk-oxen biology to sort of create a level
34 playing field of background information for all the people who
35 were there. And then basically what the groups did was to
36 break up into smaller sub-groups, largely representing
37 different sub-units within the Seward Peninsula, and basically
38 tried to tackle a series of three questions. These are
39 questions that the State Board of Game will need to have
40 answered, but they are also questions that the Federal Board is
41 interested in.

42
43 One of the questions of course was establishing a
44 harvest level for the musk-oxen on the Seward Peninsula. The
45 second question was identifying the subsistence need for the
46 musk-oxen, and the third, assuming we had a Federal and State
47 hunt, how the available permits could be divided up between the
48 Federal system and the State system. We actually did fairly
49 well at accomplishing a number of those objectives. Probably
50 the one that caused us the most problem was the one on

00005

1 establishing the subsistence need. And that was due largely to
2 the fact that Teller wasn't represented and surprisingly there
3 weren't that many people from Nome in the area, and the people
4 who were at the meeting had problems in trying to develop a
5 level of need for Nome and like Kotzebue and surrounding areas.
6 While that may seem to be a break down or a non-accomplishment,
7 the level of need that was identified at the meeting clearly
8 indicates that there's a higher level of need than there are
9 going to be available permits. And that has implications that
10 we'll talk about shortly.

11

12 We basically developed a range of three options for
13 conducting the hunt, a Federal only hunt, basically the status
14 quo with what we've got now, a State managed Tier I hunt with
15 community bag limits and, three, a combined Federal hunt with a
16 Tier II State managed hunt. And Peter will go over the three
17 options and if you have any questions about those three
18 options, you know, feel free to ask Peter.

19

20 Where we go from all of this eventually will be the
21 State Board of Game will meet towards the end of this month,
22 they will take some sort of action on a State managed hunt and
23 following that it'll be really up to the Federal system to
24 decide how it's going to respond. And Sandy will go through
25 that process with you as to kind of in the time frame of what
26 could happen and how it could happen.

27

28 For the purposes that we're here today really, this is
29 just an informational presentation and it really doesn't
30 require any action at this time from the Regional Advisory
31 Council. Although as things develop at some point down the
32 road, I'm sure the Regional Advisory Council, as Sandy will
33 explain, will have to weigh in. If any of you have any
34 questions, keep this sort of informal and feel free to jump
35 right in and ask.

36

37 MR. MENDENHALL: I was planning on attending this
38 meeting, but I had to stay in Anchorage for medical. So that's
39 why Nome wasn't represented. I just want that for the record.

40

41 MR. ADKISSON: I won't go into a lot of detail on the
42 materials I've handed out to you. I think they are pretty
43 self-explanatory. They provide I think a good overview of what
44 happened at the meeting, some of the ranges of opinions that
45 came up. What I'd like to do is focus back about two-thirds of
46 the way through on the summary recommendations and just
47 basically spend the rest of the time I have here with you
48 largely on that sheet because that really addresses the three
49 questions, plus or more, that we've really dealt with.

50

00006

1 One of the problems that confronted the Federal Board
2 for the last several years is in working with the Cooperators
3 and trying to establish a Federal hunt, there seemed to be
4 different goals for how to manage the herd, especially groups
5 like the Reindeer Herders Association essentially wanted to cap
6 the herd and prevent further growth and expansion of the herd.
7 Some of that was even at previous Regional Advisory Council
8 meetings. Versus what the Board could see in the Federal
9 Management Plan though, the Cooperative Management Plan, which
10 basically called for growth and expansion. And one of the
11 things I think we accomplished at the Cooperators with the
12 village representations, and which continues to see mirrored I
13 think as we talk to more and more of the villages and try to
14 increase the level of participation in the process, is that by
15 and large the villages want to see continued growth and
16 expansion of the herd, of the population, but they want that
17 coupled with increased hunting opportunities and harvest
18 opportunities. And for now they seem willing to accept a
19 somewhat still conservative harvest level, but they would like
20 that to be monitored over the future years and perhaps adjusted
21 to a sliding scale that's pegged to the growth curve of the
22 musk-oxen. So that they're basically willing to be flexible.

23
24 What the group came up with, and if you look at the top
25 you can basically see that the groups from 22(d), 22(E) and 23
26 Southwest all basically wanted to increase the population of
27 animals. We had kind of an ad hoc group that was to be sort of
28 a holistic approach, what we call the Seward Peninsula, and
29 that was probably the hardest group to really deal with there
30 and had some of the wider range of opinions. And the majority
31 of the people in there basically chose to expand the range.
32 But you can see some of the rates that we came up with down
33 here. 22(D) felt a four percent harvest rate would be
34 acceptable for now. Keep in mind that the current rate is
35 three percent, bulls only, established a three percent of the
36 animals counted at the last count within the sub-unit. 22(E)
37 felt that four percent was adequate. And over in the
38 Buckland/Deering area and 23 Southwest, because they're on the
39 periphery of the herd and it's expanding, they felt remaining
40 at the three percent would work best for them for now.

41
42 So you can see that the different harvest levels, you
43 know, are a little different. And this brings up another good
44 point. There was a fairly broad consensus of the group, I
45 think, to try to manage the musk-oxen on the Peninsula on a
46 sub-unit by sub-unit basis. That would provide greater
47 flexibility, provide a wider range of possibilities for
48 tailoring the hunt to a specific area. However, there was the
49 significant minority opinion that basically called for managing
50 all of the animals as one basic population, applying one

00007

1 harvest rate, one hunt scenario to the whole Seward Peninsula.
2 But I do point out that that's a minority opinion and that the
3 majority of the people there, and what we're continuing to hear
4 from the Villages as we try to involve them, is that they would
5 prefer to see the animals managed on a smaller basis such as
6 sub-units, largely I think because it does provide better
7 flexibility.

8

9 Based on the '96 population counts, you can see there
10 that for (D) we came up with a figure of 12 possible permits,
11 for 22(E) 13 and for 23 Southwest five. And then the Seward
12 Peninsula Holistic Group was a little more variable in there
13 and there was probably more of a feeling to increase the
14 harvest level substantially, but some of their views really
15 weren't mirrored in the sub-unit working groups. We had a
16 harder time coming up with a subsistence need. For example, in
17 22(D) people really had a hard time trying to factor in Nome's
18 needs. Brevig was somewhat hesitant to really speak up,
19 especially in view of the fact that Teller wasn't represented.
20 There was some discussion and the group kind of settled in and
21 around a subsistence need of 25 to 35. Probably the actual
22 number isn't so important as the fact that the need that was
23 talked about and identified already exceeds the number of
24 permits that we're going to have available.

25

26 Shishmaref and Wales, basically trying to build in some
27 idea of need from surrounding areas who might have some need in
28 22(E), came up with a total of 26 animals or more. Buckland
29 and Deering over in 23 Southwest came up with an identified
30 need of 28 to 29 animals. And the Holistic Group came up with
31 a range of between 79 and 90 animals. The whole point of all
32 of that is though that whatever the actual need is out there,
33 and it's recognized that it's very difficult to quantify, we
34 have no historical harvest data to base a need on. There's not
35 really much to work on except the last two year harvest
36 history, which is just an eye blink in time and is already
37 being regulated through the Federal program with the number of
38 permits available, where and when people can hunt and so forth.
39 So establishing need will remain to be a very difficult thing
40 to do. But the thing that I'd like you to focus on is that
41 whatever people establish the need as, it's more than there are
42 going to be animals or permits available, and that has
43 implications.

44

45 There was an interest in trying a combination of State
46 and Federally managed hunt. And you look down to the next one
47 down below that you'll find where they talk about Federal and
48 State allocations. In 22(D) keep in mind that we're only
49 talking about Brevig. Teller wasn't represented, and I'll say
50 more about that a little later. They felt a range maybe of

00008

1 around three to four musk-oxen off of Federal lands might be
2 appropriate, with the remainder being managed under a State
3 managed hunt. In 22(E) Shishmaref and Wales, there are more
4 Federal lands in 22(E) by the way than there are in Federal
5 lands in 22(D). And most of you have had that information, are
6 familiar with that situation there. But in 22(E) they came up
7 with basically a 50/50 split, half to a Federal hunt, half to a
8 State hunt. Over in 23 Southwest they kind of came up with a
9 sliding scale of about two-thirds to three-fourths of the
10 permits, whatever they were, should go to a Federal hunt, the
11 remaining approximately a fourth to a third be managed under a
12 State system.

13

14 And then when they looked at the season, basically most
15 people there agreed with the proposal before the Board this
16 spring of adjusting the season. And the Cooperators
17 essentially supported an earlier opening and an extension in
18 the winter to about mid-March. Regarding the type of bag
19 limit, there was a good deal of discussion about a cow harvest
20 and people realized and suspected that a continued "bulls only"
21 harvest might have adverse biological impacts further down the
22 road and they were concerned about that, but looking for the
23 short term people felt willing to continue to accept the "bulls
24 only" hunt, but they did want to come back later on and look at
25 the possibilities of a cow hunt.

26

27 So I think the biggest accomplishments that came out of
28 the Cooperators meeting was the general expression that people
29 would like to see the herd continue to grow and expand, but
30 they wanted that coupled with improved hunting opportunities, a
31 higher at least level of harvest, and that they wanted a hunt
32 that worked for them and reduced the bureaucratic and paperwork
33 hassles and paperwork confusion. They were willing to settle
34 on a moderate harvest rate, at least initially, and they did
35 come up with some idea of the range of possibilities between
36 how permits could be divided between the State and Federal
37 hunt. And I say that there is interest in the villages on a
38 jointly managed hunt involving the State and Federal sides of
39 the system. And as I pointed out to you that Teller was not
40 represented. Here about a week and a half or so ago we had an
41 audio conference with the Teller IRA. They had their complete
42 IRA at the conference. And on the manager's side of it there
43 was the Park Service, Fred and I, and then on the ADF&G side
44 Peter Bente and Kate Pearsons.

45

46 Basically what came out of that meeting was an
47 affirmation of what the Cooperators had arrived at more or
48 less. The big thing was though that the Teller IRA voted
49 unanimously for a Federal only hunt. They expressed a little
50 interest in trying a State hunt, but they wanted assurances

00009

1 from the Federal system that if they did buy into a State hunt,
2 that if the State was not responsive to their needs in terms of
3 making permits available to them and them being successfully
4 able to acquire those permits, that they wanted protection from
5 the Federal side to be able to take back what they gave up or
6 relinquished to the State and apply those on a Federal hunt.
7 And that's something that we have to continue to work with the
8 Federal side of this system to give them that. They wanted
9 that assurance. And I think we'll see that more and more as we
10 get additional audio conferences in with the remaining
11 villages.

12
13 Pete's got information on the options that were
14 presented how a State and Federal hunt would work and maybe
15 you'd like to go into that now, Pete.

16
17 MR. BENTE: Sure. I'm ready. I wanted to give you a
18 little background on what the State Board of Game has done and
19 what they will be doing in the near future. In October of '97
20 the State Board met in Nome for a meeting and they entertained
21 a proposal to establish musk-ox hunting in Unit 22 by Tier II
22 or registration permits. At that meeting in October the State
23 Board deferred action until March. March coming up here, March
24 21st. And their request in deferring the action on that
25 proposal was that we go back to the communities and to the
26 peoples and have them answer the questions that Ken summarized.
27 And that was on the page just preceding the table we were
28 looking at in the handout.

29
30 The questions were how many musk-ox should be
31 harvested? How many musk-ox are needed for subsistence need?
32 How many permits should be allocated between the State and
33 Federal government? So we heard a discussion of some of that
34 public process. What the State Board will do during their
35 meeting coming up in March, is take the testimony and the
36 public recommendations that we're hearing and take action. And
37 I handed out two pages, one was a map page and one was a graph
38 which showed how the State will arrive at Tier I or Tier II
39 hunting. And I'd like to go through that a little bit so you
40 understand what the State process is going to be.

41
42 The State on establishing a Tier I or a Tier II hunt
43 are very discrete and it's influenced by the number of musk-
44 oxen that can be harvested versus the number of musk-oxen that
45 are needed or provide a reasonable opportunity for subsistence
46 use. So on the graph, on the left side, on this side right
47 over here, we have hypothetical numbers to show the case, but
48 these are numbers of musk-ox. And then across the graph's
49 horizontal lines is a range of subsistence need. So in the
50 example on the paper it says the subsistence need would be

00010

1 eight to 12 musk-oxen. And there are three scenarios that the
2 State will entertain when they look at that, the relation of
3 number of harvestable animals and subsistence need.

4

5 And the first bar on the left side shows that if we
6 have a harvestable surplus, and this example of six animals
7 that is less than the subsistence need, that the only option
8 the State has is to establish a Tier II subsistence hunt. If
9 we move across to the middle graph, the middle column, we see
10 that if a population is big enough to have a harvestable
11 surplus in this example of 10 animals, that 10 animals falls
12 within the range of eight to 12 of a subsistence need. That
13 gives the State the opportunity to administer a Tier I hunt.
14 And if we move across to the third bar on this graph, where we
15 have a harvestable surplus that's higher, in this case 14
16 animals that's higher than the subsistence need, that we can
17 have subsistence hunting in addition to what we will call
18 general season hunting, in this case probably a drawing hunt or
19 a registration hunt.

20

21 So the information we've collected so far, and Ken
22 reported that, showed if we have a harvestable surplus we go to
23 the table, page two in the second part of the handout. Right
24 in the middle is the harvestable surplus in 22(D) of 12
25 animals, in 22(E) of 13 animals, in 23 Southwest portion five
26 animals. And then you look directly below that in bold print,
27 we have estimated subsistence needs that are much higher. That
28 drives the State into the situation where we're in the first
29 portion of this graph right here. We can only entertain Tier
30 II hunting.

31

32 So what I'd like to do now is explain the conditions or
33 the requirements of Tier I and Tier II. Just so you understand
34 what would be happening. There were three options considered
35 at the Nome Musk-Ox Meeting, and go past the summary
36 recommendations to the next page, page three of the Seward
37 Peninsula Musk-Ox Summary. The first option offered by that
38 group was to continue the Federal hunt as is, no State hunting.
39 So obviously we don't have anything to consider there from the
40 State side. So if we go to the next page, Option 2 was a
41 consideration of continuing the Federal hunt, but having a
42 situation where the State has Tier I hunting with community bag
43 limits. This is possible if the State Board in March will meet
44 and establish a subsistence need that falls close to
45 harvestable surplus. If that happens we would have State
46 hunting by registration permit, that all Alaskans would be able
47 to register, and if we apply the community bag limit approach,
48 the number of permits issued by the State could be allocated to
49 communities or regional groups and not necessarily to
50 individuals. But that it's very important to understand that

00011

1 any community in the State could register for one of those
2 permits.

3 We get to the situation where we aren't at over-harvest
4 because we're trying to estimate that the number of animals to
5 harvest is the same as the number of people who are going to
6 apply. Right now we don't think that's going to happen. The
7 evidence that we've collected shows that there is a higher
8 need. So although the Board can act to establish subsistence
9 need and harvestable surplus as they wish, it seems right now
10 that we are not in a Tier I situation.

11
12 I think the next situation I'd like to explain is the
13 Tier II hunt, which from the evidence we've collected so far
14 seems to show that's where we're at. We have a small
15 harvestable surplus and a higher need among people. This is an
16 action that if the State Board reviews information and chooses
17 to establish a hunt, that we would be in a situation where all
18 hunters would need to apply with an application for the hunt or
19 to receive a permit. It's not necessarily our best difference
20 between Tier I and Tier II as it's not a registration. There
21 are four questions that are asked on the application and from
22 the answers to those questions you're given a score, and the
23 highest scores are the ones that receive the permits. I'm
24 reading now from the lower half of the page, Option 3, where it
25 talks about State Tier II hunting.

26
27 Applicants for a Tier II permit are scored under basis
28 of their history of the use of the musk-oxen, the availability
29 to alternative sources of big game, the cost of food and
30 gasoline in their community. And in this case the people who
31 live in the communities of Seward Peninsula who have some use
32 of musk-oxen have higher costs of living because food and gas
33 cost higher. They will score higher than other Alaskans. But
34 it's clear from the State's rule on eligible subsistence users,
35 is that all Alaskans have the opportunity to apply.

36
37 MR. MENDENHALL: That's all proposed here.

38
39 MR. BENTE: That's true, there is legislative or
40 proposals right now that would change that. If we have a
41 situation where many people who have the same score in a Tier
42 II process, then there's a random drawing to find out who the
43 winners are. And what this does, it does not guarantee that
44 the permits go to the local users on the Seward Peninsula.
45 There's a strong likelihood that many of them will because of
46 the history of use of musk-oxen and the higher cost of living
47 and the score will be higher for the people, but it doesn't
48 guarantee it. An additional act -- question?

49
50 MR. MENDENHALL: Yes. A lot of the people haven't had

00012

1 the legal opportunity to hunt musk-ox until it's now being
2 instituted in a way now -- I'm just trying to figure out how --
3 you mentioned the history of musk-oxen and that's going to be --
4 - isn't that kind of a hard establishment right now? Except
5 for those like at Shishmaref, they've done it and Brevig
6 they've done it, and Deering they've done it. Meanwhile it's
7 going to be opened up within the region, you know, for musk-ox.

8

9 MR. BENTE: Right.

10

11 MR. MENDENHALL: And they never had that. They had a
12 history of abiding by the rules by not hunting for them.

13

14 MR. BENTE: You're correct in that people have abided
15 by the rules and they haven't had opportunity to hunt. And
16 what the State would do in their application procedure, is
17 would you have hunted had you had the opportunity to? So in
18 1995 the State established a hunt on the records and then
19 shortly thereafter closed it by emergency order. And as far as
20 the application process, all people would have the same score
21 on that because since 1995, had the hunt not been closed,
22 everybody would have had an opportunity to hunt. Okay. So
23 even though you did not hunt musk-ox and did not receive them,
24 if you fill out the question as you are entitled to on the
25 application, and this requires explanation I understand that.
26 You would have had the opportunity had the hunt not been
27 closed.

28

29 MR. MENDENHALL: It's like in the 60s we had the -- I
30 mean we didn't because we were told we'd go to jail. I mean
31 most people.....

32

33 MR. BENTE: I think the interpretation would be that
34 there would be no score advantage for those who did hunt musk-
35 oxen in the last three years, as opposed to those who did not
36 hunt. Because anybody could have said, I would have hunted,
37 the State law said we could hunt beginning 1995, but you closed
38 the season and I can't hunt.

39

40 MR. MENDENHALL: Or even when they first got introduced
41 to it as well. The other question I have, I'm kind of bargaining
42 in what now, is both you and Ken had introduced these from the
43 January meeting now. Has there been ample time for reaction
44 for the Cooperators response to these written State rules on
45 State land? And that the same question would be offered to Ken
46 as you kind of made a chart and said this is the way it is.
47 Have the Cooperators been given ample time to respond or are
48 they digesting them as much as we are right now?

49

50 MR. BENTE: All of these packets of information were

00013

1 sent out to all Cooperators and to all villages and communities
2 for response. Currently we have one teleconference response,
3 which Ken told us about, and that was the Village of Teller.
4 We are hoping to hear additional reports before the Board of
5 Game meeting in March.

6

7 MS. CROSS: Teller was contacted by teleconference
8 because they didn't have a representation, right?

9

10 MR. ADKISSON: That was our first priority, was to get
11 to them because they didn't have anyone at the meeting. We did
12 do kind of an informal poll asking the Cooperators who were at
13 the meeting kind of maybe which option that they would prefer.
14 And frankly there was a range of opinions expressed. I recall
15 one person said, or several maybe even saying that they would
16 prefer the Option 2 with the Tier I and community bag limit.
17 But at the time we were still trying to get an opinion from the
18 Attorney General's office on how that community bag limit
19 worked and it really wasn't clear. Some people just still
20 wanted to stick with the Federal hunt and some people wanted to
21 go with the Tier II hunt. Probably those people who had no
22 opportunity now were more inclined to go for a Tier II or a
23 Tier I, like people from the Nome area. Those villages that
24 were eligible Federal users probably had more of a tendency to
25 go for a Federal hunt or a Tier I, thinking there was an
26 advantage to the community bag limit.

27

28 But it's also important I think to point out to the
29 folks, is that most of the Cooperators were willing to share
30 animals with people outside. In other words, a larger pool
31 than what the current Federal eligibility is. And like Wales,
32 for example, said that they would even be willing to entertain
33 a sport hunt and that their Native Corporation was thinking
34 about applying a land use fee. So if you had a musk-oxen
35 permit, you would have to pay the corporation to be able to
36 hunt for musk-oxen on their land. So there was a degree of
37 flexibility, but I think when you really look at the whole
38 range of things it sort of boils down for the villages that the
39 real focus is on providing meat, and that the subsistence hunt
40 and all of this other stuff is kind of interesting and
41 peripheral to it and their main focus is that subsistence need.

42

43 MR. MENDENHALL: Okay. I didn't mean to cut Peter off.

44

45 MR. ADKISSON: Does that sound pretty good, Peter? An
46 accurate summary?

47

48 MR. BENTE: There was one other additional thing that I
49 wanted to explain that the State Board is seeking comments on
50 and wanting feedback, and that was about the tag fee. And

00014

1 that's the very last item on the last page. No, second to the
2 last item. Currently there is a \$25.00 tag fee for general
3 season hunting. That applies to Nunivak Island, hunting,
4 drawing hunts, registration hunts for subsistence. There is a
5 proposal before the Board that was deferred from January to
6 establish a \$25.00 fee for subsistence hunting. In the January
7 meeting the Board said, we don't want to act on this proposal
8 until we get feedback from the communities of the people
9 involved.

10

11 MR. MENDENHALL: Seems that if they're going after
12 subsistence they wouldn't have the money for tag or gas.

13

14 MR. BENTE: That's exactly what I think the Board was
15 thinking. And they said, why should we be charging a \$25.00
16 fee for a subsistence tag. So what will be decided in March
17 meeting is what to do with the subsistence tag fee. And.....

18

19 MS. CROSS: If I remember correctly, in that last
20 meeting, was it Friday, they decided to waive the \$25.00.
21 Their recommendation was to waive the fee.

22

23 MR. BENTE: Recommendation was to waive the fee. That
24 seems to be a very reasonable way to go with a subsistence tag
25 fee. The problem we're having with the State rules is it's
26 just not defined. We have general season hunting tag fees, but
27 we don't have subsistence hunting tag fees. So this was a
28 point of clarification. And there is officially a proposal to
29 charge \$25.00.

30

31 MR. MENDENHALL: Used to be \$0.25 for subsistence fee
32 years ago, \$0.25 only. I think the village people would be
33 able to afford \$0.25. But it's going to cost you that much
34 more paperwork to process that \$0.25. And you're going to
35 process the \$25.00 fee, cost the same as \$0.25 fee.

36

37 MR. BENTE: I'm not suggesting or recommending that we
38 have a \$25.00 tag fee.

39

40 MR. MENDENHALL: Well, I'm just -- yeah. I remember
41 when \$0.25 first came out in the 60s now. I was looking down
42 on why people in the Nome area and Seward Peninsula.

43

44 MR. BENTE: The other thing I wanted to summarize or
45 just go through with you is the map.....

46

47 VICE CHAIR KATCHEAK: Mr. Bente, before you go, just a
48 question. You mentioned Nunivak has these hunts and so you're
49 going to put a \$25.00 tag fee for subsistence hunt. Have you
50 hold a hearing in Nunivak to determine how people feel and

00015

1 whether they agree with it or not? Has anybody said from
2 Nunivak whether they want to go ahead and use that \$25.00 fee
3 to do their subsistence hunt? Have they responded or.....

4

5 MR. BENTE: No.

6

7 VICE CHAIR KATCHEAK: Or this is just a proposal for
8 this area? Is this for the whole State or is this just
9 something that was proposed?

10

11 MR. BENTE: Okay. You've asked several questions, and
12 I've heard them. One is does this proposal apply to the whole
13 State? Second of all, what is the response from Nunivak
14 Island? I'll take the last question first so that we
15 understand. A subsistence tag fee, if it's implemented, would
16 apply to the whole State. Or if the subsistence tag fee is
17 waived, it would apply to the whole State. So we're talking
18 about a statewide issue. I perhaps did not make myself clear
19 on an explanation of Nunivak Island. Nunivak has general
20 season hunting by registration and currently uses a \$25.00 tag
21 fee for those hunts.

22

23 I'll back up and explain the history a little bit. The
24 guided hunts for bulls has a \$500.00 tag fee. And that is
25 considered a trophy. Well then there was a time period when it
26 was realized that there was food value for the people, local
27 residents, and there was a change in tag fees for specific
28 areas for general season hunting. And that reduced the tag fee
29 from \$500.00 to \$25.00. That does not apply to subsistence
30 hunting. So we're in a different scenario or situation in the
31 Nunivak Island -- the Nelson Island scenario. It was not
32 intended to apply to subsistence hunting. It was a reduced tag
33 fee from a trophy tag fee of \$500.00, to a general season tag
34 fee of \$25.00. And there was no action and there are no
35 subsistence hunts in that area. Right now with the questions
36 before the Seward Peninsula musk-ox herd, there was discussions
37 of what to do about a tag or a tag fee. And that's where the
38 proposal came from.

39

40 MR. MENDENHALL: Well, I looked at Seward Peninsula and
41 it's registered in the State as an economic depressed area.
42 And I had to send meat out last week because they had no meat,
43 to a village. It cost them \$25.00 for the freight because if
44 you send it freight prepaid it may not reach that family that I
45 want it to go to. I mean there's hardship out there now and
46 due to hard hunting, ice conditions are not right. And even at
47 certain times some of the people don't have shells. We had to
48 send shells out to them. They have no money for shells. And I
49 question that \$25.00 tag fee in a subsistence economic
50 depressed area. That's my comments there on that tag fee.

00016

1 MR. BENTE: Thank you. I think, you know, from my
2 perspective the State Board is going to waive the tag fee from
3 what I can see happening. They will take action in March, but
4 every information we've heard, is there is no justifiable
5 reason for establishing a \$25.00 tag fee for subsistence
6 hunting. So I agree with your comments.

7

8 MS. CROSS: So you're just going to have to cut down
9 the paperwork.

10

11 MR. BENTE: Yes, we will cut down paperwork. The map
12 shows the distribution of musk-oxen based on the 1996 census,
13 and the Game Management Unit boundaries are outlined. What we
14 plan to do is a cooperative effort with Park Service and with
15 BLM, is to continue to census the animals every other year. We
16 have plans right now for a census of animals on the Seward
17 Peninsula to begin in the middle of March, probably about the
18 10th of March. And that's the schedule of being able to update
19 animals and distribution.

20

21 If you look at Unit 23 you will see that the groups of
22 animals that are found are in the western portion of 23. And
23 that was recognized by the group when we talked about it in
24 Nome, the Nome Musk-Ox Cooperators Group, where they felt that
25 the animals would be moving easterly into the eastern portions
26 of 23 if the harvest rate was lower. It would be a chance for
27 animals to expand. And the same thing could also apply to Unit
28 22(B), which is currently closed to hunting, as is Unit 2(C).

29

30 MR. MENDENHALL: It could be because of the fires,
31 forest fires and the fires we had around that area that could
32 have drove the animals west, so to speak. The same way the
33 moose were driven to the Seward Peninsula.

34

35 MR. BENTE: Right. Fires could be a short term
36 phenomenon that would allow them to expand, but largely we're
37 finding that through the time periods of the approximately 25
38 years or whatever it's been, that animals are moving easterly
39 into places where there is suitable winter range. During the
40 winter time they need high wind-blown slopes because musk-oxen
41 are not adapted very well to walking through deep snow. They
42 don't feed very much in the winter time, but they need wind-
43 blown snow-free areas to survive in the winter. So as the herd
44 expands and there are colonizing areas where they can survive
45 in the winter. And we will expect to see that continue in an
46 easterly movement in the years to come. Any questions?

47

48 So I guess to summarize I would say that, you know,
49 given harvest information, population size, and subsistence
50 need, or reasonable opportunity for a subsistence harvest, the

00017

1 State Board is going to act in March and decide on the type of
2 State hunt that could be offered. Likely it will be Tier II
3 hunting. And from there I believe now it's time for Sandy to
4 talk about how that would mesh with the Federal Board process.

5

6 MR. EDENSHAW: Peter?

7

8 MR. BENTE: Question?

9

10 MR. EDENSHAW: One question. Would there be an
11 opportunity for a State hunt in the latter part of the year,
12 '98? Do you think the State Board of Game will add a hunt in
13 '98?

14

15 MR. BENTE: I didn't make that clear. That the action
16 for this Board would be effective July 1st and begin the next
17 regulatory year, which is July 1st to June 30th. So there
18 would be no State hunting by this Board action for this year,
19 this regulatory year.

20

21 MR. EDENSHAW: Is the Board of Game planning to submit
22 any recommendation to the Federal Subsistence Board regarding
23 any type of recommendation, allocation or.....

24

25 MR. BENTE: The question is if the State Board will
26 submit recommendations to the Federal Board on allocation. And
27 I suspect they will but I have not heard it directly that they
28 plan to. And simply because they were asking themselves of the
29 three questions, how would you allocate; they want to hear it
30 from the people. How would you allocate between the State and
31 Federal system. Once they've heard that information and
32 synthesize it, I think they would pass that on to the Federal
33 Board.

34

35 MR. MENDENHALL: Do you need anything from this right
36 here for the Seward Peninsula regarding this? Or I believe
37 it's kind of -- that's what I asked about the Cooperators, how
38 they responded to that. That's why I'm curious.

39

40 MS. CROSS: Well maybe it's something that we should
41 find out in advance, prior.....

42

43 MR. MENDENHALL: Yeah. Before this next meeting.

44

45 MS. CROSS: It's something that we could seek ourselves
46 too, for information. I was going to ask you a question and
47 I've forgotten.

48

49 MR. EDENSHAW: Perry, at the meeting in Nome the
50 Council was going to make -- Sheldon had planned to when the

00018

1 Regional Council met here in Unalakleet, the Council was going
2 to take up the issue of musk-ox. So, yes, it suffice to say
3 that if something should come out of the Council meeting, we do
4 plan to.....

5

6 VICE CHAIR KATCHEAK: Well, it's still on the agenda
7 for March.

8

9 MR. EDENSHAW:meet again in March.

10

11 MS. CROSS: It seems to me that we should handle it by
12 contacting the people that are involved and see what their
13 meetings were and then follow the majority.

14

15 VICE CHAIR KATCHEAK: Question, Peter. The State Board
16 of Game's meeting the 21st of March in Nome or Anchorage?

17

18 MR. BENTE: No. The meeting location is Fairbanks.

19

20 VICE CHAIR KATCHEAK: Fairbanks.

21

22 MR. BENTE: And it begins March 21st. Public testimony
23 is scheduled for March 21st and March 22nd.

24

25 MS. CROSS: And then they're meeting in Nome.

26

27 MR. BENTE: And written comment deadline is March 8th.
28 To answer your question whether the Board was expecting comment
29 or recommendation from this Council, I would say you are --
30 March 6th was the comment deadline. The Chairman of the State
31 Board was at the Nome meeting and he was interested in getting
32 feedback for recommendations from all groups and participants.
33 And I think this Council has the opportunity or the State Board
34 is interested in hearing from this Council. We are also
35 interested in hearing from the individuals and the villages.

36

37 MR. ADKISSON: Let me just say something about that
38 participation process. We tried to get a lot of the material
39 out to people in the villages prior to the cooperative meeting.
40 That was partially successful. At the cooperative meeting
41 though many of the people who came to it still felt that they
42 could reflect some of the opinions and things in the villages,
43 but by in large they were still individuals and that they still
44 felt uncomfortable let's say for making decisions that would be
45 binding on the villages, that they didn't want to do. Or in
46 the obvious case, they didn't want to speak for Teller when no
47 one from Teller was at the meeting. To deal with that
48 situation that's one of the reasons that we set up the audio
49 conference with the Teller IRA and what we hope to do in the
50 next several weeks is to set up additional audio conferences at

00019

1 least with some of the key villages.

2 What we'd like to do is now that the villages have the
3 same information packet and things that you've got, is set up
4 these audio conferences and work with the say IRAs and the
5 people from the village who attended the meeting to kind of act
6 as representatives and see if we can broaden the input. One
7 interesting thing that I guess I can say is that in dealing
8 with the Teller IRA and what we've heard come back from sort of
9 some informal informational gathering and sheering at Deering,
10 and Sandy could perhaps speak to what happened at the Northwest
11 Arctic Regional Advisory Council earlier in this month, what
12 we're getting back by in large is reflective of what came out
13 of the Cooperators meeting in terms of the goals. We're not
14 hearing "cap the herd" anymore from most of the people. There
15 are still people out there who I think would like to cap the
16 herd, but that's not basically what we're hearing in terms of
17 the bulk of the comments.

18

19 There is still some interest in trying a State hunt, as
20 I pointed out. By in large people are concerned that the State
21 system is simply unable to guarantee them a subsistence
22 priority and that makes them reluctant to participate in a
23 State hunt. So we're not hearing back, what we've got so far
24 is nothing is really inconsistent with what you've seen that I
25 handed out as far as the basic direction that the Cooperators
26 tried to go in. And I think it would help at some point if
27 there was something that came out of this group, you know, one
28 way or the other, but you may want to wait until later until
29 you could get a quorum and things. And Jake Olanna has been,
30 you know, I try to keep him involved in this process and so
31 forth, and where possible we've invited Jake and will continue
32 to invite Jake to any audio conferences we set up with the
33 villages.

34

35 MS. CROSS: How many conferences? Is there a set up in
36 Nome?

37

38 MR. ADKISSON: The last one we did with Teller we set
39 up in the Park Service office and Kate and Peter came down and
40 Fred set that up with the Teller IRA.

41

42 MS. CROSS: Couldn't those of us in Nome.....

43

44 MR. ADKISSON: Oh, yeah.

45

46 MS. CROSS: Could you let us know then?

47

48 MR. ADKISSON: You bet. We would be more than willing
49 to invite you folks in on it.

50

00020

1 MS. CROSS: Harry and I are in Nome. It won't cost you
2 anything at all.

3
4 MR. ADKISSON: Sure.

5
6 MS. CROSS: I walk across the street. Down the street.

7
8 MR. ADKISSON: That's fine. That's excellent.

9
10 VICE CHAIR KATCHEAK: Based on your map, it's all State
11 land too as well for the musk-ox under the Seward Peninsula.

12
13 MR. ADKISSON: Well, 22(E) is by in large about 50/50
14 Federal and State. 22 -- Donna could probably tell you right
15 off the top of her head because she's worked with this in
16 several instances. But it's probably like 15 percent or
17 something like that in Federal land, or 20 percent in 22(D).

18
19 MR. MENDENHALL: Shishmaref and Deering and who?

20
21 MR. ADKISSON: And then Buckland and Deering is
22 probably around 30/40 percent Federal I guess. So it varies.
23 That was another reason why I think that some of the
24 Cooperators felt that managing on a sub-unit basis was
25 preferable to managing on a Peninsula-wide basis.

26
27 VICE CHAIR KATCHEAK: I'm just making note that it
28 seemed like a lot of the State land versus Federal land.

29
30 MR. ADKISSON: And that's one of the problems
31 associated with the Federal hunt frankly, is that people who
32 get Federal permits have to travel long distances at a very bad
33 time of the year and in sometimes difficult weather
34 circumstances with very little chance that when they do get to
35 Federal land they'll find a legal bull to harvest. And that's
36 a real problem. But I'd also have to tell you that especially
37 with the change of season, many people in the villages seem to
38 hope that their chance of harvest will go up with a longer
39 season. But it's not going to change the fact I think that
40 from freeze-up to say January conditions for traveling have
41 been very poor the last couple of years and may continue to be
42 poor and that folks who have to travel the furthest are still
43 going to have a very difficult time of harvesting a Federal
44 musk-ox.

45
46 MR. EDENSHAW: Peter, one question. And I think Sandy
47 will address some of this, but the question I have and maybe
48 just information for the three up there, in the past the
49 Federal program has allocated three percent, which is in the
50 Musk-Ox Management Plan of the musk-ox. So I'm thinking ahead.

00021

1 There's one way, you know, after the State meets March 21st to
2 address musk-oxen, but I know the Board is going to meet in May
3 and it's in the past allocated it at three percent. They can
4 handle through a special action, you know. Looking ahead, now
5 the if the State sets aside -- and the Board will meet in May,
6 but let's say, for instance, hypothetically, there's the three
7 percent allocation and the Board meets and they depending on
8 what happens with the State, does the State have like a special
9 action? Let's say that the Board met and somehow the State was
10 able to reach an agreement between both the State and the Fed
11 regarding an allocation split, is there a way for the State to
12 handle those? Let's say that the Feds relinquish, is there a
13 way for the State to address a special action, even though you
14 said that there wouldn't be any hunting allowed in '98?

15

16 MR. MENDENHALL: '97 year.

17

18 MR. EDENSHAW: No, this is '97. Is there a way for
19 them to allow them to have a hunt in '98-99?

20

21 MR. BENTE: Yes, if the State Board for hunting, it
22 would apply to the regulatory year '98-99, beginning July 1st.
23 We would have the opportunity at that time, and this could be
24 part of the State proposal, I'm not quite sure how it would
25 work, but we have the opportunity to change seasons by
26 emergency order. And what I would expect would happen at our
27 State Board is if they approve hunting, that they would approve
28 hunting in the big scheme of all permits available, Federal and
29 State. And then that would be listed as an up to number. And
30 it likely could be Tier II hunting for up to 12 permits to be
31 issued or 25. Then by negotiation and recommendation to the
32 Federal Board, they would say, all right, the Federal Board is
33 going to get 50 percent. Let's say it's a 50/50 split. Then
34 the State would authorize a hunt for 50 percent of the up to
35 number, which in my example would be maybe six permits. You
36 understand? And that would be done by emergency order. So I
37 see that there is opportunity for a cooperative working with
38 the Federal Board, even though the Federal Board meets later in
39 May and the State Board is active in March.

40

41 MR. ADKISSON: I think there's two scenarios that could
42 happen there, Cliff. One is the State Board of Game could act
43 somewhat independently and set their own harvest limit and that
44 let's say could be higher than the existing number of permits
45 now available. And to some extent, independent of what the
46 Federal system does, conduct a hunt on State and private lands
47 for up to whatever that number of permits is. The risk in that
48 would be to get in this kind of situation that we're currently
49 in where they did just that. And there is a State hunt on the
50 books. The State could be conducting a hunt now, except that

00022

1 the Federal system appropriated all of the permits that were
2 available. So that you could get in this cycle of where the
3 State raises the number of permits and the Federal comes back
4 and sort of preempts it. The other hopefully better scenario
5 would be that the State and the Feds all agree at some level of
6 permits and then they work together to distribute the permits
7 out.

8

9 MR. MENDENHALL: The State Board of Game meets every
10 three years or two years?

11

12 MR. BENTE: It'll meet every two years on Region Five.

13

14 MR. MENDENHALL: That's why it's important to try to
15 get this March 21st/May section. Their action meeting is March
16 21st, then they review their action in May to legalize it. So
17 it'd be on the books for the next two years because they won't
18 address this until two years afterwards, 2000 right? Or it
19 might be adjusted earlier with Ogan.

20

21 VICE CHAIR KATCHEAK: At this time I'll turn the floor
22 over to Sandy. I know he's been squirming. I'm putting my
23 limit to 12:30. I think we might probably need a little more,
24 but I'll turn the floor over to you, Sandy.

25

26 MR. RABINOWITCH: Thank you very much. And I'm Sandy
27 Rabinowitch with the National Park Service. I work for the
28 Board member of the Park Service. I think I can be pretty
29 brief. Some of what I was going to lay out you've just talked
30 about. I sort of did a little diagram on the back of a piece
31 of paper. And I'll sort of hold it just in front of the
32 Council members. And I can do the reading. The way that I see
33 the Federal Board interacting with this is that right now as
34 you all know there's a Federal hunt only. And that's in the
35 Federal book, you know, that you're familiar with. And if
36 you'll look on page 122 there is the hunts listed out.

37

38 So that's the way it is today. If the Federal Board
39 takes no action of any kind, this hunt stays in the books and
40 it carries over for next year. It's really actually pretty
41 simple. There is a proposal that is in your booklet for this
42 meeting, Proposal number 89, that you all put forward last year
43 to extend the season. If you assume for a minute when you have
44 a quorum that you continue to support that and the season is
45 extended. The Northwest Council last week in Kotzebue voted to
46 support that extension. And I would presume that if you vote
47 to support that extension and the Cooperators generally were in
48 support of that as Ken's already said, I fully expect the
49 Federal Board will pass that season extension. So that's what
50 would go into the book for next year. Basically just the same

00023

1 numbers with that season extension. So if nothing else happens
2 on the Federal side, that continues.

3

4 And then what the Board of Game will do in March, of
5 course, none of us know. But basically we would be at the same
6 point we were in '95 I believe it was.

7

8 MR. BENTE: 1995.

9

10 MR. RABINOWITCH: The State, and this has already been
11 stated, put forward a hunt earlier in the year of '95. The
12 Federal Board came along a little later in the year and put
13 forward a hunt with a quota of all the animals that everyone
14 believed were available. And then at that point the State, and
15 I'm not using the correct State terminology, but pulled its
16 hunt or closed its State hunt so that not too many musk-ox
17 would be harvested. And that's where we've been for these
18 several years. So the same situation could occur this year.
19 That's one scenario.

20

21 The other scenario on my little chart is that in 1998,
22 that we're in now, is that if you have a State hunt, which
23 would require the State Board of Game to pass a hunt as Peter
24 has explained, okay, couple of different ways they could do
25 that, and then for the communities in the region and ultimately
26 and I think very importantly this body, you all, look at that
27 and decide whether or not you think that's a good idea and
28 weigh in with your comments that would then be made to the
29 Federal Board. So if you had that scenario, then I believe
30 what needs to happen as Cliff was saying a moment ago, is that
31 you need to then have a special action come forward to the
32 Federal Board. Now anybody in this room as an individual can
33 put forward a special action, the BLM could put one forward,
34 the Park Service could put one forward, you as a Council could
35 put one forward. I mean anybody can do it and it only takes on
36 person. And you can do it at anytime. So there's no you have
37 to do it by a certain date kind of problem.

38

39 In that scenario I think the window of opportunity is
40 any time after the Board of Game meets, all the way up to the
41 beginning of the hunt. And I'll assume that the beginning of
42 the hunt is August 1st for the moment. So I think there's
43 several months during which a special action could come forward
44 if someone puts it forward. That the Staff of Fish and
45 Wildlife Service would seek an opinion from your Council and
46 then to make it work well, of course you'd want to have a
47 decision before August 1, so everybody who was going to hunt
48 knew what the rules were and such. And you'd have to get the
49 Federal Board to vote on it prior to August 1. That's not
50 hard. The Federal Board pretty much meets almost once a month

00024

1 throughout the year, a day here and a day there.

2

3 Which one of those scenarios will occur, I don't know
4 anymore than you do. But I think that that's the picture. You
5 can stay with the status quo, or you can indicate an interest
6 to, as some others have said, try out a State hunt if they pass
7 one. One important thing about a special action is that the
8 way the Federal rules are written, is a special action has a
9 life span of one year and one year only. So if you were to put
10 forward a special action and the Federal Board passed that
11 special action, after one regulatory year it goes away, falls
12 off the table and you revert back to what's in the book right
13 now. And my point bringing that up is that one way for
14 communities and you all to sort of try out the State system, if
15 you choose to do that, is to do a special action and then the
16 following year you could do a special action again, try it out
17 a second year. What it does is it forces the issue to sort of
18 come back both to you and to the Federal Board. Now in the
19 long run it's not a very efficient way to do business. It
20 creates a lot of work for all of you and all the people in this
21 room and a bunch of people elsewhere, but it does bring the
22 issue back to you. I would suggest the Federal Board's
23 tolerance of repeat special actions is probably two years. By
24 the third year they kind of get grumpy and they'd like to see
25 some permanent proposal so they don't have to keep doing all
26 the work. But that's just my own view.

27

28 Then that's really the picture that I wanted to paint.
29 A couple other quick comments. I've already mentioned that the
30 Northwest Council supported this, their Proposal number 89 last
31 week to extend the season. I'd just make a personal comment
32 that the Cooperators meeting I thought was very productive.
33 And as Ken said, there were different views, you know, on
34 different sides of many of the questions and the issues. I
35 thought it was a very productive meeting on the whole. And
36 then the last little comment I guess is a small one. Percy
37 Ballot, Sr., who is a member of the Northwest Council, on the
38 subject of subsistence for Buckland, which is his village,
39 recommended that the number be six rather than the four on the
40 Cooperators' notes that Ken handed out. So that's just his
41 individual comments on that item. And I believe that the
42 Cooperators at that meeting had said four. So he said he
43 thought it should be up a little bit, but he was just
44 expressing his own view.

45

46 I think I'll stop there. You know, if a special action
47 is desired, the Park Service and I'm sure everyone else will
48 pitch in and work real hard to move it through the system.

49

50 MS. CROSS: The number that the State come up with is

00025

1 going to be critical in what we do. Unless they decide to go a
2 little higher than we expect. Then we might have to re-look at
3 it again.

4

5 MR. RABINOWITCH: Well, in that sense.....

6

7 MS. CROSS: Like I say, musk-ox has no borders. I
8 don't know what their ranges are. I mean I'm sure some of the
9 musk-ox goes into State land and goes to Federal land and just
10 goes back and forth. What is the travel, does anybody know how
11 far they travel? I mean just very quickly, give me an example.

12

13 MR. BENTE: Mixed age and sex groups that have cows and
14 bulls and calves for the year, they are reasonably sedentary.
15 They stay pretty close to where they are all year round. They
16 go from the high wind blown slopes in the winter, down to the
17 valley bottoms nearby within a few miles for the summer feed.
18 Contrast to that are young bulls, which are kind of kicked out
19 of these groups and herds, those are the ones that are long
20 distance movements. They'll be the ones that can go over to
21 the next county or go across the mountain range. And then they
22 begin colonizing new areas.

23

24 MS. CROSS: Thank you.

25

26 VICE CHAIR KATCHEAK: I believe that if we had four we
27 might -- that's our own proposal.

28

29 MS. CROSS: Yeah, I know but I was just curious.

30

31 VICE CHAIR KATCHEAK: Mr. Edenshaw.

32

33 MR. EDENSHAW: Just one point of clarification. When
34 we were at the Cooperators meeting, Jim Magdanz and Susan
35 Georgette both said with the Tier II hunt with the applicants,
36 you would have to set the bull limit. I'm on page five of this
37 handout that was prepared by Kate Pearsons. Most of them said
38 that they would be willing to go out into the villages and to
39 help with the elders and people in the community fill out their
40 Tier II permits if the State was to go into that scheme.
41 Because only Nunivak Island and Seward Pen had a history of
42 utilization of musk-ox. Because in the last portion of their
43 sentence they say, people who live in communities with a
44 history of Seward Pen musk-ox use and where the cost of food
45 and gasoline are very high, have a better chance of getting the
46 permits, but this is not guaranteed. So both of those two have
47 expressed interest that they would be willing to go to those
48 communities to help with the elders and individuals fill out
49 the permits to I think almost insure a higher chance of
50 receiving those permits under the Tier II.

00026

1 VICE CHAIR KATCHEAK: I think with the Cooperators
2 working with this and having input too, and along with our
3 Proposal 89, then you know the date changes. That's
4 significant enough just for the Board of Game with that, which
5 is a big impact.

6
7 MR. MENDENHALL: I have a question for Mr. Bente. At
8 what time or when do you consider each boundary or where the
9 musk-ox are concentrate as over-populated? Have you considered
10 if they become over-populated you transfer some musk-ox
11 somewhere else, or what kind of plans or.....

12
13 VICE CHAIR KATCHEAK: He said they would need a cap.
14 The Cooperators members mentioned cap.

15
16 MR. BENTE: The role of the Department of Fish and Game
17 would be a participant as one of the Cooperators in the
18 Cooperators' Group. We don't feel that we would take the lead
19 to make the decision that there are too many musk-ox and we're
20 going to harvest more. We need to have that come from that
21 group of all people. It's more in the line of what we'd call
22 cooperative management.

23
24 VICE CHAIR KATCHEAK: In other words, Ted was looking
25 for some to be transferred down to Stebbins.

26
27 MR. MENDENHALL: I seen one last summer and I was
28 thinking, well, where there's one, there's got to be more
29 coming.

30
31 MR. BENTE: Well, there will be more coming. The ones
32 I explained, the young bulls and the single ones are the ones
33 that go a long distance and they go clear across the Peninsula.
34 But as far as changing harvest rates or taking animals and
35 moving them, that would have to come as a common theme or
36 interest among all Cooperators. And that's how I view that we
37 would participate in that system.

38
39 I'd like to explain a couple of other things about the
40 Tier II hunt related to Cliff's comments. There is Tier II
41 hunting for musk-oxen in Game Management Unit 26(B), that's the
42 North Slope and that's for the areas around Anaktuvuk Pass and
43 the Fish and Game Staff from Barrow, Geoff Carroll, Biologist,
44 goes to every village and every household to help people with
45 their applications. And we also would plan, as mentioned,
46 where two Fish and Game Subsistence Staff, or it would be
47 Wildlife Staff would go to help the people. Because if we
48 don't do that, we know that the paper comes in the door and
49 it's not understood and you don't get a good score if you don't
50 fill it out right. So we have also made an interest in helping

00027

1 fill out Tier II applications for the people of the Seward
2 Peninsula.

3

4 MS. CROSS: You're going to be very busy.

5

6 MR. BENTE: Yeah, we probably will. One other comment
7 to provide for information, and that is that Fish and Game has
8 advisory committees and there was a Northern Norton Sound
9 Advisory Committee met in Nome last Friday and had a long
10 discussion on musk-ox, provided them the same packet of
11 information and the same summary results, and they decided at
12 the conclusion of that presentation to support Option 3 of the
13 three options, which was Federal hunting with State Tier II
14 hunting. And the vote was eight to one, one member voted
15 against it. And the reason he was voting against it was
16 because he wished that there were more Federal permits
17 allocated. It wasn't to oppose State and Federal hunting, but
18 it was really to consider having a few more Federal permits for
19 Game Management Unit 22(D).

20

21 MR. MENDENHALL: Did the State go along with that?

22

23 VICE CHAIR KATCHEAK: I mean the Advisory Committee
24 voted on it.

25

26 MS. CROSS: That was their recommendation.

27

28 MR. BENTE: That was the Advisory Committee
29 recommendation that will be forwarded to the State Board in
30 March.

31

32 VICE CHAIR KATCHEAK: Mr. Ken.

33

34 MR. ADKISSON: One thing I guess just to keep in mind
35 as you look through all this material, is that I'm sure the
36 State Board is going to have a really difficult time tackling
37 the question of what is the subsistence need, just as the
38 Cooperators had, and the biggest reason for that is there
39 simply is no long term established historical pattern of
40 harvest to draw on, like there are for many other species. So
41 it's really difficult to answer what is the subsistence need.
42 The Board will come up with an answer to that question, but I
43 think what's probably more important is not what they finally
44 settle on, but the fact that regardless, once you cross the
45 thresholds as Peter showed you in coming up with the Tier I,
46 Tier II general hunts, once you cross a threshold in the
47 relationship between need and available harvest, it doesn't
48 matter any more. The need can keep climbing and climbing and
49 climbing, you're still stuck with the Tier II.

50

00028

1 And that this means as far as the six eligible villages
2 that we're dealing with now in the Federal program is that at
3 that level of allowable harvest, those six villages to have
4 much of a State hunt at all are going to be asked to relinquish
5 some of their Federal permits to a State hunt. And for them
6 that's the real question, do they want to do that. And I think
7 to have them do that is going to require assurance from the
8 Federal system that the Federal system will continue to look
9 out for their interests. Right now those villages have a
10 Federally recognized interest in musk-ox on the Seward
11 Peninsula that translates into a bull harvest of three percent
12 of the animals counted within those sub-units in which the
13 hunt's conducted, and that's their Federally protected
14 interest. And there is interest in relinquishing some of that
15 to the State for improved hunting opportunities. But if the
16 State system does not deliver, they want that Federal
17 protection to stand by them and take it back.

18
19 And as you've heard, I think the one vote was from
20 Teller which wanted more Federal permits in 22(D), which I
21 think was consistent with what we were hearing from the Teller
22 IRA. I find those two facts to be consistent. That's all I've
23 got to say on the issue, unless there are more questions.

24
25 MR. MENDENHALL: Call for recess.

26
27 VICE CHAIR KATCHEAK: Yes. At this time we're calling
28 recess until 1:30. Yes, we will call for recess until 1:30.

29
30 MR. BRELSFORD: And then we can hear what Cliff has to
31 say.

32
33 COURT REPORTER: All right. We're off the record at
34 12:25. Off record.

35
36 (Off record)

37
38 (On record)

39
40 VICE CHAIR KATCHEAK: I'll call the meeting back to
41 session at 1:35. I'll turn the floor over to Taylor.

42
43 MR. BRELSFORD: Thanks very much, Mr. Chairman. What I
44 would suggest is about 10 minutes of comments here and then
45 questions, and particularly for our public, our guests. If you
46 have some questions that you'd like to pursue, that's the best
47 use of our time. There is quite a bit of material here and
48 many of you have been through it in the formative stages a
49 couple of times in earlier Council meetings. So what I would
50 like to do is make a couple of kind of milestones in the

00029

1 sequences of events that led us to the Proposed Rule, kind of
2 the background or the decision making context, and then draw
3 your attention to a couple of key places in the regs. And my
4 idea here is to make this more like a working reference for
5 you. If you know where the key questions are found, you can
6 look up the details or look up additional information at a
7 later time.

8

9 I always threaten Sue Detwiler that some day I was
10 going to go to a meeting and read the Federal Register right
11 out loud to people, but she convinced me not to do that to you
12 guys today. I think most of you know that the Katie John
13 Regulations that we're working with really comes from the Katie
14 John case, the Federal legal challenge regarding the definition
15 of Federal public lands under the Federal Subsistence Program
16 and whether that definition should extend to waters and
17 therefore to subsistence fisheries. And in the decision in
18 1995 the District Court and later the Ninth Circuit Court of
19 Appeals determined that the government had made a mistake and
20 been too restrictive in defining Federal public lands and
21 instead of being just the uplands with wildlife species, ANILCA
22 really means Federal public lands, including some associated
23 waters, or they use the words waters in which the Federal
24 government has a reserve interest or has reserved an interest.

25

26 So that's the legal standard. And it refers to inland
27 navigable waters, non-marine waters. So not the coastal
28 systems offshore, it's exclusively inland and navigable waters.
29 And the other key thing for the Norton Sound region is that
30 this reserves waters doctrine, or the legal basis for the Katie
31 John decision, applies only to Federal conservation units,
32 lands that are held in permanent conservation status. So if
33 you look at the wall maps you'll see like the blue lands are
34 Park Service lands on the northern part of the Seward
35 Peninsula, or south of Stebbins at the mouth of the Yukon you
36 see the purple lands from the Yukon Delta National Wildlife
37 Refuge. Those are permanent conservation units and they have
38 water rights attached to them. So the waters affected by the
39 Katie John decision are waters inside and adjacent to Federal
40 conservation lands.

41

42 Well, it's kind of funny if you look at Norton Sound
43 you see a lot of brown colored land, and those are BLM public
44 domain lands, and since they are not in a permanent
45 conservation status, these reserve water rights, that's not
46 attached to those lands. So if you have a chance and want to
47 look kind of closely at the details, you'll see that one of
48 these says the draft proposed jurisdiction on Federal
49 Subsistence Fisheries and the water systems affected by the
50 Katie John decision are outlined in red. I think it's the one

00030

1 just to the left, Perry, that has the red water systems. And
2 so like in the Bering Land Bridge you'll see red drainages,
3 those are affected by Katie John. But if you go down the coast
4 of northern Norton Sound and around by Unalakleet, the only
5 water system nearby that's affected by the Katie John Decision
6 is the Wild and Scenic River, the Unalakleet Wild and Scenic
7 River.

8

9 So I think as we start this discussion it's real
10 important to have in mind the scope of impact, what kind of
11 waters are affected by it. And in the Norton Sound region or
12 the Seward Peninsula subsistence region, it's pretty limited in
13 terms of the waters that actually qualify.

14

15 VICE CHAIR KATCHEAK: There's a question.

16

17 MR. W. IVANOFF: The Wild and Scenic River begins
18 around the Chirokey area as I understand. What about the
19 waters that begin from the mouth of the river up to the
20 Chirokey area? That's not affected?

21

22 MR. BRELSFORD: Right. The Federal jurisdiction is
23 limited to the waters that are directly under Federal
24 responsibility for some other reason.

25

26 MR. W. IVANOFF: State regulations then.....

27

28 MR. BRELSFORD: Would apply downstream of the federal
29 lands. That was actually a fairly big discussion in some
30 earlier proposed regulations about June of 1996. There was a
31 deal called the Advance Notice of Proposed Rule Making and it
32 had some options along those lines. And at that time AFN and
33 many other regional organizations abdicated very strongly for
34 full watershed management, that Federal jurisdiction would
35 extend throughout the entire water course. The legal
36 interpretation of the court's decision has been more
37 restrictive than that. So on the Wild and Scenic River you go
38 in and out of Federal jurisdiction. It's limited to certain
39 stretches of the river. And like if you think even more
40 broadly of the Yukon River, you go in and out of Federal
41 jurisdiction, State jurisdiction, Federal jurisdiction many
42 times from the mouth up to the Canadian Border. So it's kind
43 of a key thing, that what we have is divided management through
44 the river course on only those waters adjacent or inside of the
45 Federal Conservation Unit are affected by the Katie John
46 decision.

47

48 VICE CHAIR KATCHEAK: Excuse me. For the record, the
49 question asked by Mr. Weaver Ivanoff from Unalakleet.

50

00031

1 MR. BRELSFORD: The only other point I want to make
2 about background is that we are currently under a moratorium of
3 legislation passed by the Congress that prohibits final action
4 on the Federal Subsistence Fisheries Regulations through
5 December 1st of 1998. And I think most all of you follow
6 resource politics enough to know that this was intended to
7 provide some more time for the State of Alaska to resolve the
8 non-compliance problems, to come up with a package of solutions
9 that would reunify subsistence management and meet the ANILCA
10 standards at the same time. So all of the discussion going on
11 in the Legislature and the Governor's Task Force and so on,
12 it's intended to avoid the Federal takeover after December 1st
13 of 1998. But the legal situation right now for the Federal
14 government is the court says go ahead and Congress says no
15 final action until after December of 1998.

16
17 So what's before us here is kind of a critical step in
18 planning for jurisdiction after December of 1998, if all of
19 these other things don't go anywhere, if it breaks down. After
20 December of '98, then the Federal government could follow the
21 court's direction all the way through to conclusion and
22 actually implement Federal jurisdiction for subsistence
23 fisheries. So these regulations are like the first time that
24 the whole package has been put out for public discussion,
25 seasons, bag limits, waters affected, methods and means
26 restrictions, all of that is included in here, but it's
27 preliminary. It's a draft and no final steps could be taken
28 until after December 1st of 1998. Perry?

29
30 MR. MENDENHALL: I don't know what it is now, but based
31 on scientific studies and historical use, in the Krusenstern
32 area I see a lot of the changes are in the Krusenstern that
33 goes into the park land services, the headwaters. And based on
34 the January meeting the State biologist said that the chums,
35 some of them shoot straight for Cape Nome before they head up.
36 And according to legends there used to be salmon here, but are
37 not anymore. And I don't know how the Federal government will
38 look at that.

39
40 MR. BRELSFORD: Right. Or habitat management. I would
41 say that the simple answer is that these regulations do not
42 address habitat management or questions of that sort. They
43 talk about allocation of available subsistence fisheries on the
44 Federal public lands. So on the habitat questions you're going
45 to have to deal with the landowners or private Native
46 Corporation landowners or the land managers in the Federal
47 case.

48
49 MR. MENDENHALL: The reason I brought that up is
50 because some people brought it up to me already and they're

00032

1 going to make it an issue.

2

3 MR. BRELSFORD: Good. Well, let me kind of point out
4 four or five key places in the package, if we could. If you'd
5 turn with me to page 66219, it's about five pages in, there is
6 a place there where it says the summary of the Proposed Rule.
7 The pages are up here in the corners. And this summary starts
8 in the right-hand most column. And I think of that as kind of
9 the table of contents. Like if you wonder what's going on and
10 what's in this thing, this is like the first place to look
11 because it highlights changes from existing regulations. So
12 it's kind of a key starting point. If you're curious about
13 something and you want to know where to look it up, this would
14 be a really good starting point.

15

16 Then if we go two pages beyond, three pages, 66222, in
17 the left-hand column down towards the bottom you will see a
18 little marker in the margin that says new or modified text.
19 That's like another flag to draw your attention to the places
20 where new regulations are being proposed. Now, this particular
21 section talks about it's the technical language about which
22 waters are affected. And the map kind of shows the same thing.
23 But if you ever wanted to look up exactly which components of
24 the Wild and Scenic River system, for example, you would know
25 to go to this part where it talks about the waters affected.
26 And actually in the middle column there is a little section
27 having to do with components of the Wild and Scenic River
28 system. And for those of you with sharp eyes and quick
29 reading, you'll see that we badly misspelled the Unalakleet
30 River. So I assume that's one we'll have to get right before
31 this is done.

32

33 MR. MENDENHALL: We wondered what that was.

34

35 MR. BRELSFORD: The Unakle [sic] River. Whose land is
36 that? Going on two more pages over, 66224, on the right-hand
37 column there's a heading Sub-part B Program Structure. And a
38 little marker in the margin that says, modified text. One of
39 the most crucial questions that people have discussed about the
40 Federal Subsistence Fisheries is the question of extra
41 territoriality. We've said real carefully that federal
42 jurisdiction directly applied only on those stretches of inland
43 navigable waters, but then there's this other thing called
44 extra territoriality. Under certain circumstances limited
45 specific carefully circumscribed cases the Federal government
46 could actually reach off of Federal lands to restrict harvest
47 activities elsewhere if they are damaging the subsistence
48 priority on those Federal lands. That's what people talk about
49 when they say the extra territoriality of Federal subsistence
50 jurisdiction.

00033

1 This place just under the Board structure where the
2 margin text says new or modified text, that's the first
3 reference to extra territoriality. And what it says is that
4 the Secretaries retain existing authority.....

5
6 MR. MENDENHALL: Like the Columbia and Snake River?

7
8 MR. BRELSFORD: Well, most people have been talking
9 about it in relation to Area M in Western Alaska.

10
11 MR. MENDENHALL: Well, I mean to use as Federal
12 extending. That's what some people have said, that it's
13 similar because they had 10 salmon go up that river.

14
15 MR. DENTON: Yeah, that's under the guise on the
16 threatened and endangered species.

17
18 MR. MENDENHALL: Right. But this ESA is being followed
19 close to this or similar, according to that statement he just
20 made on this.

21
22 MR. BRELSFORD: Well, this one actually comes from some
23 different legal doctrines. It's referred to as extra
24 territoriality. It's an existing legal authority. And what
25 this little paragraph here says is the Federal Subsistence
26 Board will not exercise extra territorial jurisdiction itself.
27 That power will remain with the Secretaries of Agriculture and
28 Interior. It's not being delegated down. That's the key point
29 that I wanted to make sure you knew, the fine print.

30
31 MR. MENDENHALL: So therefore in order to do that they
32 would have to go to ESA.

33
34 MR. BRELSFORD: Actually, it has a different legal
35 basis. It's called a constitutional doctrine. It's not
36 specific. It's not created specifically by the Endangered
37 Species Act. Maybe follow with me on the next page, Perry,
38 we'll see a little bit more about how this extra territoriality
39 business would work. So I'm now in the middle column of page
40 66225. And right here we're talking about Federal Subsistence
41 Board responsibilities. And we started out by saying, final
42 decision on extra territoriality stay with the Secretaries.
43 The Secretaries retain that power.

44
45 What is says here where the new or modified text is
46 shown, it says that the Federal Board could evaluate the facts
47 of whether hunting, fishing, trapping activities on lands or
48 waters other than public lands are interfering with the
49 subsistence hunting, fishing or trapping, to such an extent as
50 to result in a failure. So there's a real specific fact test

00034

1 here and it says that the Federal Board would evaluate the
2 facts. So if there's a problem, a petition by subsistence
3 users and they say, fishing downstream is making our
4 subsistence fisheries crash, this paragraph tells you who does
5 what, what kind of facts have to be identified and who's going
6 to review and evaluate those facts. And it says then that
7 after appropriate consultation with the State of Alaska, the
8 Regional Councils and other Federal agencies, the Federal
9 Subsistence Board would make a recommendation to the
10 Secretaries for their action. So this is like the procedural
11 step on extra territoriality, the fact standards, the Board's
12 role. And then they basically make their findings, they pass
13 that on to the Secretaries of Agriculture and Interior to make
14 final decisions.

15

16 Probably the most important thing for you guys to have
17 in mind is this is never going to be quick. It's a very
18 serious matter of State/Federal government relations and it's
19 not intended to be something that can be done in a week's time
20 or a month's time. Where there are crises of failure for the
21 subsistence priority, there is going to have to be a fairly
22 careful fact basis developed. And the Federal Board will have
23 one step in that, and then it will be elevated to the
24 Secretaries. So there are some procedural steps that are kind
25 of complicated, they will be time-consuming. And as long as
26 people know that, then you kind of know where the specific
27 chapter and verse is located and you can kind of deal with
28 questions. You know, some folks in Area M fear extra
29 territoriality, they see catastrophe coming. And I think some
30 folks in Western Alaska on the river system said, you know, far
31 out, we're finally going to stick it to Area M. I think both
32 of those opinions are kind of over dramatized. It's fact
33 specific, it has some procedural steps that will be time
34 consuming. So no casual action to reach off of the Federal
35 lands is going to occur. That's just how it is. And you guys
36 are like key representatives of the regions to try and inform
37 yourselves about the specifics so that you can have a
38 constructive discussion with your friends, people in the
39 regions.

40

41 I'm going to move real quickly, about three more things
42 to bring to your attention. Several pages back now on 66235,
43 we go to a table that looks like this. And this is where we're
44 starting to get into kind of the specifics of Federal
45 subsistence fisheries management. These are the c&t
46 determinations for which communities have customary and
47 traditional uses of particular species. It actually starts up
48 at the top with Kotzebue Northern area and then next is Norton
49 Sound and Point Clarence. And you will see that this is very
50 thin, not a lot of decision making has gone on about the

00035

1 customary and traditional uses of subsistence fisheries. This
2 may be an area where communities want to come forward with
3 revisions or more specific information in the upcoming years if
4 the Federal government actually goes into this.

5

6 I just draw that to your attention because you know how
7 active these c&t things have been in the wildlife side of
8 management. So this is all there is at the present time on
9 fisheries. And we might all kind of anticipate some
10 significant changes and proposals and revisions and so on in
11 that area for the future. Moving on, if you'll turn with me
12 now to page 66238. They go out of numerical order for some
13 reason, it's on the back side of 66239. At the bottom of the
14 left-hand column and then on into the middle where it's marked
15 new or modified text, these are the specific provisions having
16 to do with customary trade. And, again, it's kind of a hot
17 button in the communities, an area of pretty great concern. So
18 I wanted you to know exactly where to like look up the
19 specifics. That paragraph numbered 11 says that basically
20 customary trade is authorized so long as it does not come up to
21 a significant commercial enterprise. And then it says that the
22 Board may recognize regional differences and define customary
23 trade differently for separate regions of the State. I think
24 this is one that the Councils have talked about quite a bit.
25 But again it's an attempt to accommodate customary trade, but
26 to put a cap on it so that it doesn't grow so large as to be a
27 significant commercial enterprise.

28

29 The next paragraph is also real key, that number 7.
30 Says that subsistence fish parts, eggs, may not be purchased
31 for use in a significant commercial enterprise and persons
32 licensed by the State of Alaska to engage in fisheries business
33 may not buy under customary trade. The idea here is the
34 processors and commercial buyers cannot buy fish from
35 subsistence fishermen and call it customary trade. If they're
36 in the business of commercial fish buying or processing,
37 everything they buy is commercial fisheries. So it's trying to
38 kind of separate subsistence and customary trade, small scale
39 local craft production from the industry of processing and
40 large scale commercial buyers. So there is the particulars.
41 And, again, that's a hot one that a lot of people have asked
42 questions about. And that way you'd know where to look it up.

43

44 MR. MENDENHALL: Well, like in Nome, (indiscernible) to
45 sell dried fish, sell black meat and oil and muktuk and caribou
46 and reindeer. And that was on a commercial level because a lot
47 of the people had no means to get that diet food that they need
48 because they find out that Kentucky Fried Chicken and fries
49 don't agree with their diet and it might be causing cancer.
50 And then there's now finally proof that Native diet is more

00036

1 healthier than the new diet that they have choice about. And I
2 think because of that the urban centers are going to be
3 desiring that to take place.

4

5 MR. BRELSFORD: Well, I think that the challenge here,
6 Perry, is that commercial fisheries are a big part of rural
7 Alaskan life, and so is subsistence, and a lot of times it's
8 the same people, it's the same gear. But commercial fisheries
9 are managed under a very careful system of limited entry.

10

11 MR. MENDENHALL: Right.

12

13 MR. BRELSFORD: And I think what we're trying to
14 prevent is anybody abusing their customary trade opportunity to
15 kind of like sneak into the commercial fishing business. So,
16 conceptually, that's the idea of trying to separate the two
17 apart.

18

19 MR. MENDENHALL: And some people would pay their
20 groceries with dried fish to a store.

21

22 MR. BRELSFORD: Sure.

23

24 MR. MENDENHALL: So they could get other -- pilot bread
25 and gas.

26

27 MR. BRELSFORD: Right.

28

29 MR. MENDENHALL: I'm looking at like Teller, you know,
30 has a high production of -- and Teller was noted for their good
31 dried fish because they got the weather and, you know, they got
32 the means for producing dried fish of that quantity.

33

34 VICE CHAIR KATCHEAK: Mr. Weaver Ivanoff?

35

36 MR. MENDENHALL: And that's traditional and that's
37 always been a tradition for Teller fish to be traded both
38 commercially and then privately, and to other areas, like
39 Shishmaref where they don't have drying weather or fish
40 available, and Nome request for dried fish from Teller. We
41 request for smoke salmon from here. And these people depend on
42 that trade to get their gas and bullets for other subsistence.

43

44 MR. BRELSFORD: Well, I think those are very important
45 examples of regional traditional.

46

47 MR. MENDENHALL: Right.

48

49 MR. BRELSFORD: And the purpose of this is to try and
50 protect those.

00037

1 MS. CROSS: And to avoid significant commercial
2 enterprise.

3
4 MR. BRELSFORD: Right. And actually I think in the
5 upcoming years, if we actually get into specific management
6 authority, the Councils are going to have a real important role
7 in describing regional practices and adjusting the regulations
8 to fit the picture in a given region more carefully. So I
9 would say, you know, that's the kind of thing to really keep
10 your eye on. If these regs will do the right job, avoid abuses
11 but protect the traditions, then so be it, that's good enough.
12 But if we need to make adjustments to accommodate regional
13 traditions, that's exactly what the Council's role is.

14
15 MR. MENDENHALL: Because like Moses Point, Safety Nook,
16 Point Clarence, Shishmaref were considered trading areas where
17 people come and trade any one of those foods.

18
19 MR. BRELSFORD: Right.

20
21 MS. CROSS: Perhaps we're going to need a definition of
22 significant commercial enterprise.

23
24 MR. BRELSFORD: Oh, I'm sorry, you had a very good
25 point that I want to be sure people heard.

26
27 MS. CROSS: I was saying that I thought that there
28 needs to be a definition for significant commercial enterprise.

29
30 MR. BRELSFORD: In the early discussions there were
31 some ideas about a dollar amount, a threshold amount. And when
32 that was taken out for review from the Regional Councils, there
33 was a lot of opposition to any specific amount. Like some
34 people wanted it lower, some higher, some none whatsoever. And
35 what is in the regulations right now is kind of a compromise
36 that leaves a lot of discretion to the courts ultimately to use
37 other legal standards and decide what constitutes a significant
38 commercial enterprise. I think that one sections that says,
39 the Board working with Regional Councils may make more specific
40 regulations, that's kind of inviting individual regions to come
41 up with a solution or more specific definitions for their area.
42 There is some early court cases on significant commercial
43 enterprises and the dollar amounts are very high. They're
44 surprisingly high for Western Alaska and Northern Alaska.

45
46 MR. MENDENHALL: (Indiscernible) the whole total Native
47 community does not want a dollar amount on subsistence.

48
49 MR. BRELSFORD: But again, Regional Councils may decide
50 that that's going to be.....

00038

1 THE COURT: Are you talking about subsistence or
2 commercial interests?

3
4 COURT REPORTER: One at a time, okay. Please.

5
6 VICE CHAIR KATCHEAK: Mr. Chuck Degnan.

7
8 MR. DEGNAN: Thank you, Mr. Chairman. You've got to
9 look at the historical perspective of who was here first, what
10 was going on at that time. And the Native people were here
11 first, they had their traditional and customary practices,
12 which include trading and barter and use and significant
13 commercial enterprise according to the western way of defining
14 commercial enterprise. Now, you need to be very careful in
15 protecting the Natives prior existing rights in these areas.
16 And you don't want to define the amount of subsistence and call
17 them abuse or significant commercial value. So, you know, it's
18 really important that you leave to Traditional Councils and IRA
19 Councils the function of setting those standards for their own
20 communities.

21
22 And, you know, I say that the local people know best
23 with traditional knowledge, local knowledge. That's why I'm
24 really reluctant to say what is commercial fishing. According
25 to nowadays the definition by the US Fish and Wildlife Service
26 in the State of Alaska. Those two organizations have been
27 hostile to Alaska Natives historically. And they've been
28 trying to push down what is good for the local people
29 historically and that's not right. And I've lived here a long
30 time and I've experienced it and I've watched it. And whatever
31 you've tried to do from the Federal level and the State level
32 to local people, it's been really bad in trying to deprive them
33 of their living and in their ability to be gainfully employed
34 in their own way. And so there has been a taking according to
35 the English language. And you've got to remember that the
36 English language spoken in the villages is significantly
37 different dialect than the English spoken here by the
38 administrators. And that's all I have to say. Thank you.

39
40 MR. MENDENHALL: And also the IRS has been trying to
41 put a dollar amount on subsistence dollars 10 years ago. And
42 that's dangerous.

43
44 MR. BRELSFORD: Mr. Chairman, I had one other deal in
45 this to direct attention to and then I was finished. If you
46 turn back a page to 66239, on the left-hand column about
47 halfway down you'll see a little heading in italics called
48 Norton Sound/Point Clarence area. And the bottom of that
49 column and half of the middle column, those are the specific
50 openings and harvest limits for subsistence fisheries in the

00039

1 Norton Sound/Point Clarence management area. And those are
2 taken line for line from existing State Subsistence Fisheries
3 Regulations. So in terms of like what regulations really would
4 go into effect on the ground on these very limited Federal
5 waters, this is the specifics.

6
7 I think we've said in general that the Federal regs
8 would mirror the State's Subsistence Regulations in the first
9 year. And like this is now the specific language to look at
10 and provide public comments as Chuck has done or provide input.
11 These are proposed regulations out for public comment, public
12 review. And with that I think I've tried to just land on a
13 couple of high points there. And basically give you a sense of
14 how this thing is laid out so that you can investigate on your
15 own and in discussion with folks in your village the specifics.
16 The public comment period extends through March 20th. So
17 you're welcome -- it always says kind of up in the front who to
18 send your comments to. There will be this public hearing
19 tonight in Unalakleet and about 15 more public hearings between
20 now and mid-March. But you can always call us to submit
21 comments or send them in as is specified there. And with that
22 I thank you for your attention and interest in it.

23
24 MR. DENTON: That's for April 20th.

25
26 MR. BRELSFORD: I'm sorry, it is April 20th. Excuse
27 me, the public comment period is through April 20th, not March.

28
29 MR. MENDENHALL: I just participated in the January
30 hearings at the Fish Board and this section here about that has
31 been questioned for Northern Norton Sound.

32
33 MR. BRELSFORD: These.....

34
35 MR. MENDENHALL: Regs that you have here.

36
37 MR. BRELSFORD:harvest regs could be changed by
38 the time.....

39
40 MR. MENDENHALL: Right. Because there is a meeting
41 next week regarding subsistence for the Nome area Tier II,
42 which might have an impact on this, plus questioning why the
43 differences of two and one and 2(I) and whatever.

44
45 MR. BRELSFORD: Mr. Chairman, I think Weaver had some
46 comments or questions to pursue.

47
48 VICE CHAIR KATCHEAK: Mr. Weaver Ivanoff.

49
50 MR. W. IVANOFF: I wanted come back to Perry's comment

00040

1 about commercialization subsistence taking harvesting, selling
2 and buying. The grandfather rights of what's happened should
3 be recognized, specifically the one in George's Market in
4 Anchorage and one in Teller, those areas that have been buying
5 and selling native foods from throughout Alaska. And I think
6 that's real key.

7

8 MR. MENDENHALL: There were two Native stores in Nome
9 as well. And the reason why they discontinued, the person
10 died. So there's been talk of restarting up a Native food
11 store in Nome because of the need of the diet.

12

13 MR. W. IVANOFF: And the reason that's so important is
14 traditionally you could get dried fish and you get them up
15 river after they've aged a bit, most of the oil content is gone
16 and once you've dried them it doesn't get rancid, so that's
17 prime dried fish. And you can't do that up here, you have to
18 wait until they get up in the river. And the oceans is
19 restricted to commercial taking of salmon. I mean restricted.
20 We do most of our commercial fishing out in the ocean, except
21 for the kings. The kings are the only ones we do subsistence
22 take mainly because we're making strips out of them, then you
23 need the oil content. But the dried fish you have to do the
24 subsistence take up the river. And then that's restricted to
25 the commercial taking.

26

27 VICE CHAIR KATCHEAK: Mr. Gerry Ivanoff, you have any
28 questions, comments?

29

30 MR. W. IVANOFF: And we've got to be able to continue
31 to do what we've done.

32

33 COURT REPORTER: Please speak up. It's hard to hear
34 you.

35

36 VICE CHAIR KATCHEAK: Mr. Gerry Ivanoff, you have a
37 question or comment?

38

39 MR. G. IVANOFF: Yeah, I've got a comment. I wanted to
40 wait until the Fishing Board got here.

41

42 COURT REPORTER: You need to come to the microphone.
43 Any microphone.

44

45 MR. G. IVANOFF: All right. Name is Gerry Ivanoff for
46 the record, born and raised here in Unalakleet, Alaska. I
47 welcome everybody to Unalakleet. I'm sorry you don't have such
48 a big turn-out, but apparently your committee ran into some
49 weather problems. Subsistence to us is vitally important. You
50 might not see by the people here, but by the amount of

00041

1 participation, but you might note that the amount of
2 participation may be due because of the lack of trust in either
3 the State government or the Federal government to protect our
4 rights. Mostly it's met with hostility and all we're trying to
5 do is feed our children.

6
7 Historically we've used fish in a variety of ways, we
8 smoke it, we boil it, we bake it, we fry it, we glock (ph)
9 fish. Glock (ph) means frozen. But different ways, we pickle
10 it, we have all kinds of different ways to fix the different
11 species that were made available to us prior to the State
12 regulation or Federal regulation. Note please that we did not
13 in anyway do any damage to the resource. The problem is not
14 with our historical commercial use of our trading or bartering.
15 Some of us are good fishermen, some of us are good hunters,
16 some of us pick berries, some of us gather greens; we meet in
17 the middle and we trade, that's how it's always been. We
18 didn't try to horde it all for ourselves so that I can be the
19 fattest cat in the land, but we kind of you know share with
20 each other so everybody has a variety of the resources that are
21 made available to us.

22
23 If we're looking for problems with the fish resource
24 subsistence, we're supposed to take a priority. What they're
25 doing right now in the Northern Norton Sound area is like us
26 going into Texas and telling you that you can't have beef, you
27 can't go to McDonald's and have a hamburger, or you can't go to
28 the restaurant and buy prime rib. These people here they've
29 depended on fish all their life. I was trying to read this
30 Federal Register, the small print, you know, hard to understand
31 in a second language, a language that's not used by our people.
32 My elders can't speak or read this and understand it. Okay.
33 They're trying to tell me this, I can't do this, I can't do.
34 You've got to be sensitive to the different cultures.

35
36 With that in mind I'd like to point out that it wasn't
37 the subsistence users that caused a problem to our fisheries,
38 but it's the subsistence users in Northern Norton Sound that
39 are bearing the brunt of conservation in the State of Alaska.
40 I've gone before the Alaska Fish Board numerous times saying
41 that we didn't cause the problem, why are we paying the price?
42 It wasn't our subsistence users. They're supposed to take
43 priority. I'd also like to let the Federal government know
44 that it wasn't the subsistence people, it wasn't our local
45 economy or bartering that caused the problem. As soon as we
46 had our conservation problem, the first people that got cut
47 back is our subsistence users. What's the priority? What does
48 priority mean?

49
50 It's hard not to get angry, it's hard not to get

00042

1 bitter, but that doesn't make the problems go away. So you've
2 got to work together. We're all in it together. And I'd just
3 like for the Federal government, then hopefully the State
4 government will file a suit that we're just trying to feed
5 ourselves, we're trying to feed our people how we've always
6 done it. And if there is a conservation problem, then we
7 should give subsistence a priority. They should be continue to
8 take their fish in their streams. If we've got a problem, then
9 maybe we should start on the international high seas and get
10 those million dollar boats off the water and put them on dry
11 dock for a while, you know, let the come up here and have no
12 fish and try to survive.

13

14 And the national scene, the False Pass Fishery in Area
15 M, what happened to escapement, you know? They can't fish the
16 kings here in Norton Sound. Where are they allowed to fish the
17 kings? They've got long nets, deep nets, technology, we fight
18 hard to get them regulated so that they can go with their
19 escapement goals, but this was a fisheries set up by the State,
20 the State of Alaska, sanctioned by the Federal government, but
21 they don't got to fish that amount of take that they had since
22 the 1980s and the 1970s. In 1983 we started crashing; they had
23 record catches of fish in the State of Alaska, they were
24 boasting about it. But at that time I used to make 20,000.
25 I'm now making less than \$5,000.00 commercially when there are
26 still boats taking record harvest of fish. So my commercial
27 fishing is not the problem of the fish scarcity here. Just
28 again, so they're on the international scale and they're now on
29 the national scale with the American factory trawlers.

30

31 You know we've got US domestic boats out there that are
32 taking salmon. I was out there one November in 1993, in one
33 tow one boat caught 90,000 fish, silver salmon. I mean that's
34 more silvers than I catch all year, you know, as a commercial
35 fisherman. And so we've got the international realm, the
36 national realm. Under State realm we've got, you know, like I
37 said the False Pass fishermen. But when the conservation
38 problem came about who was regulated? You're the problem here.
39 I'm the problem? My elders are the problem? They're just
40 trying to feed their children, you know, this is what we've
41 done all our life. I'd like my child to grow up knowing how to
42 do that so that someday when he doesn't have a job, he doesn't
43 have your \$20.00 an hour job and your two cars and your fancy
44 house and, you know, all your bills paid, this guy just wants
45 to eat. And I want him to be able to go to the table and take
46 that fish that he just pulled out of the river through the ice
47 with the bait, you know, and he put that on his plate and have
48 it with seal oil just like me. I'd like for the Federal
49 government to protect our rights and the State government to
50 also. I mean we're just trying to feed ourselves. Thank you.

00043

1 MR. MENDENHALL: Thank you, Gerry. Can we let them
2 know that we're looking for applicants to this community?
3 We've got vacant seats here on the Committee.

4
5 MR. BRELSFORD: Cliff, I think for the Council members
6 that's in the booklets.

7
8 MR. EDENSHAW: Yes. Under W, Tab W.

9
10 MR. BRELSFORD: Applications are due by March 13th.
11 And we do have some extra copies, Perry. So if you have any
12 interest in applying to serve on the Regional Council we've got
13 some application forms there. And they're inviting nominations
14 from now through March 13th.

15
16 MR. MENDENHALL: I think I agree with what's on here.

17
18 MS. CROSS: You can either apply for the Council
19 membership or nominate another person. There's a form.

20
21 COURT REPORTER: Speak up people, we're still on the
22 record.

23
24 VICE CHAIR KATCHEAK: Yes, Mr. Sandy Rabinowitch.

25
26 MR. RABINOWITCH: If I may just take a moment and
27 follow-up to what Taylor said. There was a public hearing on
28 these fisheries regulations held in Nome last week, both Perry
29 and Grace were there and both testified. I won't go through
30 all the points of the testimony, but I'll point out that there
31 was about 25 people at the hearing in the evening and seven
32 people testified and they raised a number of issues that you've
33 touched on and some additional ones from the region. And of
34 the meetings that I've been aware of occurring around the
35 State, I think there's about 41 planned and about 20 of them
36 have occurred, roughly half have occurred. And I would say
37 that the meeting in Nome was very well attended, a good number
38 of people testifying and was something to be proud of from the
39 region. Just a little information for you.

40
41 VICE CHAIR KATCHEAK: Anything else you wanted to add,
42 Mr. Brelsford?

43
44 MR. BRELSFORD: No, thank you, Mr. Chair. I think we
45 were going to suggest that if there is a few minutes left we
46 might try and hear from some of the agency reports, some of the
47 other resource Staff that are here to provide you information.
48 And I think 2:30 is our close-out time that we need to.....

49
50 MR. MENDENHALL: Mr. Chairman, I would just say

00044

1 that.....

2

3 COURT REPORTER: Speak up.

4

5 MR. MENDENHALL: I think that we can hear them there in
6 the same meeting that we're going to be conducting business at,
7 since they're going to be on the agenda again, I think.

8

9 MS. CROSS: For your information, in about 20 minutes
10 before the flights they close them and we're supposed to be
11 there 45 minutes before the flight departure.

12

13 MR. BRELSFORD: We actually have used up our time.

14

15 MR. MENDENHALL: Would people agree?

16

17 MS. CROSS: I agree with you.

18

19 MR. BRELSFORD: Well, maybe this is the point at which
20 we should express our appreciation on behalf of the Federal
21 Subsistence Board for those of you who have made some personal
22 sacrifices at continuing diligence to learn this kind of
23 information, to think about the interests of your communities
24 and so on. So I think this is kind of a closing remark from
25 the Staff side. We would like to thank you for your attention
26 and interest and your efforts to be here and work with us on
27 these important questions.

28

29 MR. MENDENHALL: Since we're going to go to Anchorage
30 for that supposedly on March 17th to have that meeting, in the
31 event that there is not probably we should have an audio
32 regardless as a standby.

33

34 MS. CROSS: Yeah, that's what I have asked for.

35

36 MR. EDENSHAW: Ted?

37

38 VICE CHAIR KATCHEAK: Mr. Edenshaw.

39

40 MR. EDENSHAW: I just wanted to read a letter for the
41 record. This was just brought into me previously and it's
42 dated February 24th, 1998. And it is from Sheldon. And has on
43 the top it says, to the Seward Peninsula Subsistence Regional
44 Advisory Council, Federal Subsistence Board, Secretary or the
45 Interior and Secretary of Agriculture. And that is from
46 Sheldon I. Katchatag, Chair, Seward Pen, SRAC and regarding
47 refusal reappointment to the Seward Peninsula Subsistence
48 Regional Advisory Council. It says, Honorable Fellow SPSRAC
49 Members, Federal Subsistence Members, Secretaries of Interior
50 and Agriculture, I, Sheldon I. Katchatag, incumbent and

00045

1 installed historical Chair SPSRAC do hereby serve public notice
2 of my refusal to accept my latest reappointment to serve on the
3 SPSRAC, effective upon receipt by the Office of the Secretary
4 of the Interior, who appointed me for the following reason. So
5 he goes into -- there is one, two, three, four -- four reasons,
6 but this the letter of resignation. And you can read it here
7 after I -- I can go through the whole thing here, if you'd like
8 me, Ted, if you want me to read it. It's three pages. I'll go
9 ahead and read the bottom.

10

11 He says, to my fellow SPSRAC members, I am honored to
12 have sat with you and all our other colleagues who have
13 participated since the formation of this RAC and hope that you
14 will individually and collectively understand that I do this
15 not to disrupt any proceedings, but to enlighten you as to our
16 collective heritage and rights as the true indigenous
17 sovereigns of our land. I would also caution you that to
18 proceed under the Federal Subsistence Management Program as it
19 exists today without the recognition of the inherent
20 inalienable rights cited above will continue to erode our
21 collective sovereign indigenous rights. Signed with sincerity
22 this 24th day of February in the year of Our Lord 1998.

23

24 VICE CHAIR KATCHEAK: Thank you, Mr. Edenshaw.

25

26 MS. CROSS: You're providing us a copy of that?

27

28 VICE CHAIR KATCHEAK: Because of our situation, we're
29 having problems with our Council members not being able to
30 attend this meeting and we have not been able to get a quorum
31 to act on some of the items that we need action on. Perhaps on
32 the March meeting in Anchorage we will remedy those things.
33 And I'd like to thank the Staff and the Council members that
34 are here, that we did as much as we could. And although we
35 didn't finish our agenda, when we reconvene we'll take care of
36 those items. So if there's no other comments from the Council.

37

38 MR. MENDENHALL: I attended Bill Bahr's funeral and I
39 understand that he was one of your members on this RAC. And it
40 was a very nice funeral. And I understand they had another one
41 in Anchorage too before the Shishmaref one and it was a very
42 unusual nice funeral as well. I even got letters from
43 shareholders in Anchorage regarding Bill Bahr's funeral, even
44 though he's not a shareholder of Nome, but because he was a
45 relative. And I believe that somewhere along the line there
46 should be some recognition from the Forest Service's on this.
47 Maybe sometime between now and March 17th, some sort of
48 recognition given to Bill Bahr's family and relatives. And the
49 Village of Shishmaref.

50

00046

1 MR. BRELSFORD: Mr. Chairman, I can say that we
2 actually did send a Certificate of Appreciation to Bill upon
3 the conclusion of his service on the Council, and we also sent
4 a letter to his family in the past two weeks once we learned of
5 his passing.

6
7 MR. MENDENHALL: Oh, okay.

8
9 MR. BRELSFORD: He obviously was somebody we all
10 enjoyed working with and it's pretty shocking to see a guy one
11 week and then to suddenly read that he's been taken from us.

12
13 VICE CHAIR KATCHEAK: Well, this is news to me. I
14 worked with Mr. Bill Bahr before and I worked well with him.

15
16 MR. MENDENHALL: Make a motion for adjournment or our
17 work session, informational meeting.

18
19 MS. CROSS: Second.

20
21 VICE CHAIR KATCHEAK: Mr. Perry Mendenhall moved to
22 adjourn the work session, seconded by Grace. All in favor say
23 aye.

24
25 IN UNISON: Aye.

26
27 COURT REPORTER: Thank you. And we're off the record
28 at 2:25. Off record.

29
30 (Off record)

31
32 * * * * *

00047

1 C E R T I F I C A T E

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

7 I, Joseph P. Kolasinski, Notary Public in and for the
8 State of Alaska and Reporter and Owner of Computer Matrix, do
9 hereby certify:

10

11 THAT the foregoing pages numbered 02 through 46 contain
12 a full, true and correct Transcript of the Seward Peninsula
13 Federal Subsistence Regional Advisory Council, Work
14 Session/Informational Meeting, taken electronically by Barbara
15 Caraway on the 24th day of February, 1997, beginning at the
16 hour of 11:00 o'clock a.m. at the Kattimivak Center,
17 Unalakleet, Alaska, Alaska;

18

19 THAT the transcript is a true and correct transcript
20 requested to be transcribed and thereafter transcribed by Mary
21 E. Miller to the best of her knowledge and ability;

22

23 THAT I am not an employee, attorney, or party
24 interested in any way in this action.

25

26 DATED at Anchorage, Alaska, this 5th day of March,
27 1998.

28

29

30

31

32

33

34

JOSEPH P. KOLASINSKI
Notary Public in and for Alaska
My Commission Expires: 04/17/00